

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ALLIE THOMAS CHESTER,)
Plaintiff,)
v.) Case No. CIV-19-860-G
ALTUS POLICE DEPARTMENT)
et al.,)
Defendants.)

ORDER

Plaintiff Allie Thomas Chester, appearing pro se and proceeding *in forma pauperis*, brought this federal civil rights action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings.

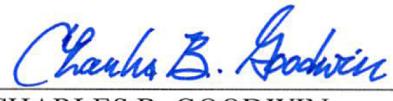
On October 10, 2019, Judge Erwin entered a Report and Recommendation (Doc. No. 8), in which he recommended that this action be dismissed. In the Report and Recommendation, Judge Erwin advised Plaintiff of his right to object to the Report and Recommendation by October 28, 2019. Plaintiff timely submitted an objection on October 21, 2019 (Doc. No. 14). Plaintiff then filed an Amended Complaint on November 18, 2019 (Doc. No. 20).

Rule 15(a)(1) of the Federal Rules of Civil Procedure prescribes that “[a] party may amend its pleading once as a matter of course within . . . 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). No defendant has filed a responsive

pleading or Rule 12 motion in this matter, and Plaintiff has not previously amended his Complaint “as a matter of course.” Thus, Plaintiff’s Amended Complaint is proper under Rule 15(a)(1)(B). The Amended Complaint supersedes the original Complaint and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991).¹

Accordingly, the Court FINDS the Report and Recommendation issued October 10, 2019 (Doc. No. 8) is moot. This matter is re-referred to Judge Erwin for further proceedings consistent with the original referral.

IT IS SO ORDERED this 3rd day of January, 2020.


CHARLES B. GOODWIN
United States District Judge

¹ Plaintiff is advised that his Amended Complaint is subject to the same screening process as his original Complaint.